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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,274	08/21/2003	Pierre Michiels	84620-0019	7235

26530 7590 10/08/2004
LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
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CHICAGO, IL 60604

EXAMINER

GREEN, CHRISTY MARIE

ART UNIT PAPER NUMBER

3635

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,274

Applicant(s)

MICHIELS, PIERRE

Examiner

Christy M Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-7 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 13 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/30/04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: attached figure (1).

DETAILED ACTION

This is a first office action for serial number 10/645274, entitled Device for equipping an expansion joint, in particular an expansion joint between concrete slabs, filed on August 21, 2003.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a first flat part is not shown and must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said elements " in lines 11 and 12. There is insufficient antecedent basis for this limitation in the claim, it is unclear if this is supposed to be the flat elements or the second series of elements, or another part of the invention; also, "the assembly" in line 19, is this supposed to be the device itself or another part of the invention.

Claim 2, recites the limitation "the two modules" there is a lack of antecedent basis, since this limitation was not stated previously within the claim.

Regarding claim 3, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Musall, US patent # 2,349,983.

Musall discloses the claimed invention including a device (figure 1) wherein said device is constituted by an assembly of two modules (at 4) derived from sheets, each of the modules comprising: a first series (by 3) of flat elements (at 1), which form projections (4a, 4b), a second series (at 2) of elements in the form of a right angle (figures 2 and 3), which are integral with said projections (4a, 4b), said elements in the form of a right angle (at 2) comprising a first flat part (at 2), which is in the same plane as said projections (4a, 4b), and a raised second flat part (2b), which forms a right angle with said first part (at 2), flat elements (1), which are in the same plane as said raised parts (2b) and which form connections in the form of first longitudinal members (attached figure 3) between said raised parts (2b); flat elements (2) which are in the same plane as said projections (4a, 4b) and form connections in the form of second longitudinal members (see attached figure 2), each second longitudinal member being present between the ends of one of said projections (at 3) and of one of said first parts (2), being situated in the same plane as said projections (2 and 4a, 4b); a separating element (interpreted to be 5), such as a foil sheet, between the two modules (4).

Musall does not disclose the assembly being formed by assembling said two modules in such a way that the raised parts of the first and second module face each other along the two sides of a center plane and the longitudinal members of the first and second module equally face each other along the two sides of said same center plane,

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and that the projections of each module extend on both sides of said center plane; however it has been held for method steps to be entitled to patentable weight in structural claims, the recited method steps therein must be proceeded by a method claim with appropriate method step in a manipulative sense, for example, "providing a panel..."; "cutting the board...", and not to amount to the mere claiming of a use of a particular structure.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Musall in view of McPhee, US Patent # 5,363,619.

Musall discloses the claimed invention as stated above in claim 1, except for the modules derived from sheets are fixed to one another by temporary fixing means and an anchoring element.

McPhee teaches that it is known in the art to provide modules derived from sheets fixed to one another by temporary fixing means (56) and an anchoring element (24, 60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a temporary fixing means and anchoring elements as taught by McPhee with the device of Musall, in order to equalize the load transfer between the two half-rails and associated portions of the slab (column 4, lines 62-64) and to provide an increase in the mechanical connection between the slab and the locking member (column 3, lines 60-63).

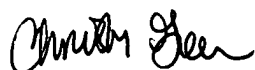
Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M Green whose telephone number is 703-308-9693. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christy Green
Patent Examiner
September 27, 2004

May 30, 1944.

A. MUSALL

2,349,983

DEVICE FOR DOWELLING TRANSVERSE JOINTS OF CONCRETE ROAD PAVEMENTS

Filed March 25, 1941

2 Sheets-Sheet 1

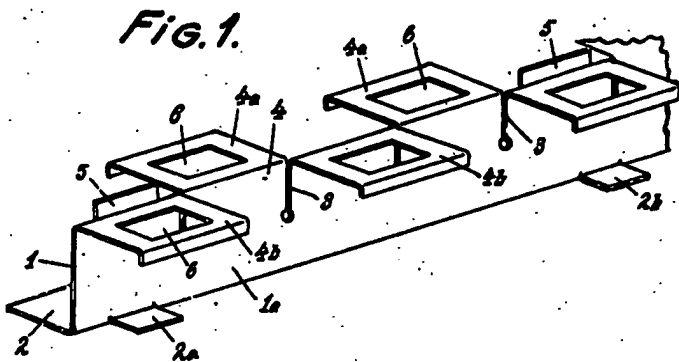


FIG. 2.

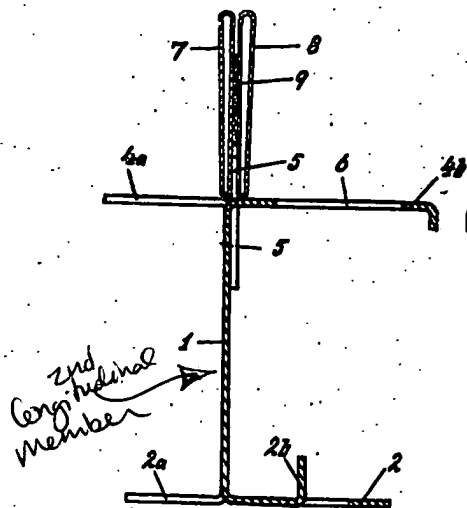
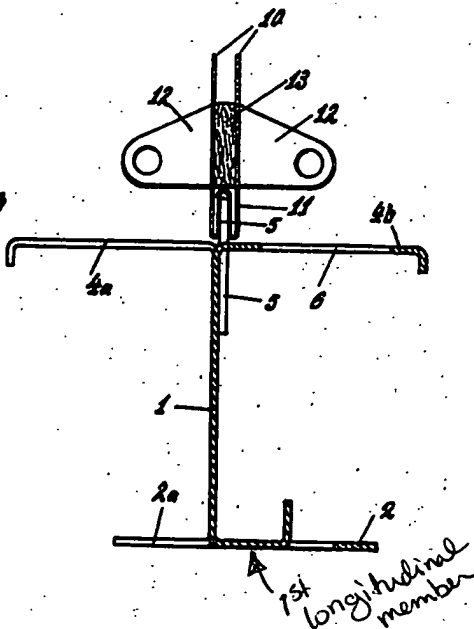


Fig. 3.



Inventor:
Alexander Russell
By *John J. Quinn* Atty